

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID M. KENNEDY,)
Plaintiff,)
)
v.) Civil Action No. 05-1764
)
NORFOLK SOUTHERN RAILWAY COMPANY,)
Defendant.)

ORDER

AND NOW, this 24th day of March, 2006, the following dates are set for the above-captioned matter:

1. Initial Rule 16 Scheduling Conference

Pursuant to Local Rule 16.1.1, as amended April 1, 2005, an initial Rule 16 Scheduling Conference shall be held before the undersigned on May 12, 2006 at 11:30 a.m. in Suite 3250, 3rd floor, U.S. Post Office and Courthouse. All counsel and unrepresented parties shall bring their calendars to the conference for scheduling purposes. The parties should be prepared to discuss settlement.

2. Rule 26(f) Conference

Pursuant to Rule 26(f) and notwithstanding the pendency of any outstanding motion, the parties **MUST** confer to consider the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case and to make arrangements for the disclosures required by Rule

26(f) on or before April 14, 2006. Plaintiff shall initiate this conference. However, the court will hold both parties responsible for ensuring that this conference is held in a timely manner.

3. Rule 26(f) Report

The parties **MUST** confer as necessary and **MUST** file with the Clerk of Court a Rule 26(f) report on or about April 28, 2006. The Rule 26(f) Report **SHALL** comply, in form and content, with the "Federal Rule of Civil Procedure 26(f) Report of the Parties" that is available on the Court's website, www.pawd.uscourts.gov, where it can be downloaded and used as a word processing document. The parties may decide who will prepare and file the Rule 26(f) Report. However, the court will hold both parties responsible for ensuring that the Report is filed in the correct form and in a timely manner.

4. Rule 26(a) Disclosures

The parties are excused from the requirement of making the disclosures required by Rule 26(a)(1) within fourteen (14) days after the Rule 26(f) Conference. The parties may agree to make the required disclosures at any time following the Rule 26(f) Conference, and are encouraged to do so promptly. The parties are reminded that under the rule a party shall make its initial disclosures based on the information then reasonably available to

it and is not excused from making its disclosures because it has not fully completed its investigation of the case, or because it challenges the sufficiency of another party's disclosures, or because another party has not made its disclosures. If the required disclosures have not been made as of the date of the initial Rule 16 Scheduling Conference, the court shall set a date by which such disclosures must be made at that Conference.

s/Gary L. Lancaster
Gary L. Lancaster,
United States District Judge

cc: All Counsel of Record